CONSTITUTION
PILOT POINT TRIBAL COUNCIL

PREAMBLE

WE, THE ALASKA NATIVES OF PILOT POINT, Alaska, citizens of the United States and descendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-government as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution.

This constitution supersedes the Constitution and Bylaws adopted by this body on December 7, 1982.

ARTICLE I. NAME

This governing body shall be called the Pilot Point Tribal Council.

ARTICLE II. TERRITORIAL JURISDICTION

The territorial jurisdiction of the Native Village of Pilot Point shall extend: To all lands within the Pilot Point Native Corporation's boundaries; the area of the Ugashik fishing district to the markers at Muddy Point; ANCSA 14 (C) 3 Re-conveyance lands; Native allotments; those lands customarily and traditionally used in and around the Village of Pilot Point; and to any other Indian Country of the Native Village of Pilot Point as may exist under Federal law.

ARTICLE III. MEMBERSHIP

Section 1. Base Membership.

All persons listed on the Base Roll of the Native Village of Pilot Point shall be a member of the village. The Base Roll is to be certified by the Tribal Council on January 1st ,2000 unless extended, and is to include only those persons of Alaska Native descent who:

A. Domiciled in the village at the time the Base Roll is certified; or
B. Were born or raised in the Village; or
C. Have such substantial ties to the village as to be considered members of the Village by common community knowledge, as determined by the Tribal Council; or

D. Are shareholders of the Pilot Point Native Corporation and have other ties to the village, as determined by the village council,

SECTION 2. New Members.

A. Children. All children born to members of the tribe and all children biologically of Alaska Native descent who are adopted by members of the tribe shall be admitted to membership upon application.

B. Qualifications for future membership. The council shall have the power to adopt any Alaska Native who possesses at least on quarter (1/4) degree Alaska Native blood and who had physically resided in the Village of Pilot Point, Alaska for a period of at least five (5) years immediately prior to the date of his/her application for membership, provided, that such person is not enrolled as a member of any other Indian Tribe whether federally recognized or not. All children born to any member who was adopted into the village shall automatically be enrolled as a member of the village.

SECTION 3. Dual Membership Prohibited.

Not withstanding any other provision of this Article, no person may be a member of the Native Village of Pilot Point who is also an enrolled member of another Federally recognized Alaska Native Village or Indian Tribe.

SECTION 4. Loss of Membership.

Membership may be voluntarily relinquished by written notice from a member to the council. The council may revoke membership involuntarily for just cause upon due process of village law.

SECTION 5. Honorary Members.

Persons not eligible for membership may be designated honorary members by the Tribal council. Honorary members will not be listed on the base or current rolls and do not become eligible for tribal benefits, including the right to vote or hold office, by reason of their honorary membership.

SECTION 6. Regulation of Membership.

The Tribal council shall establish an enrollment committee to develop the Base Roll and process applications and may establish rules and procedures governing enrollment, including application and appeals procedures.

ARTICLE IV. TRIBAL COUNCIL

SECTION I. Name.

The governing body of the Native Village of Pilot Point shall be the Pilot Point tribal council, hereinafter referred to as the council.

SECTION 2. Composition.

The council shall consist of five tribal members (members who have physically resided in the village for at least one year prior to the elections and are current residents and intend to remain so) of the village who shall be elected by a majority vote of the eligible voters at the annual membership meeting. Council members shall take office immediately upon election.

SECTION 3. Officers.

The council shall include a president, a vice-president, a secretary and a treasurer. The secretary and treasurer may be the same person. Officers shall be selected by the council from its members immediately following the annual meeting. Officers may not nominate absentees.

SECTION 4. Term of Office.

Council members shall serve for a term of three years, with staggered terms. All persons on the council before adoption of this constitution shall be deemed to have been elected to the council, and shall be allowed to serve out their term.

SECTION 5. Vacancies.

Any office which is vacated may be filled by appointment by the remaining council members at their next meeting. The replacement shall serve until the next annual membership meeting. A member may request a temporary vacancy appointment be made for their seat for good cause and upon approval of the majority of the council.

ARTICLE V. ELECTIONS

SECTION 1. Voter qualifications.

Any member of the native Village of Pilot Point who has reached the age of eighteen or older and who has resided in the village for at least one year prior to the elections shall be eligible to vote in all community elections and meetings.

SECTION 2. Elections.

The regular election of officials and of questions requiring voter approval shall be held at the annual membership meeting. Special elections may be called at other times by the council, with or without a meeting of the membership, provided that no election shall be called during fishing season (June or July) or at times when substantial numbers of the village residents are outside the village.

SECTION 3. Notice.

The council shall publicize all village elections by customary village methods at least fifteen days in advance.

SECTION 4. Secret Balloting.

All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot. Other votes taken at membership meetings shall be by secret ballot if requested by three or more eligible voters.

SECTION 5. Election Committee

Prior to any village election, the council shall appoint responsible persons to supervise, administer and conduct the election. The council may by ordinance establish a permanent election committee and procedures for conduction village elections and maintaining voter rolls. No member of the election board shall at the same time be a member of the council or a candidate for a position on the council.

SECTION 6. Certification

Pursuant to Secretarial election authorized by the Pilot Point Traditional Council, on _____, was duly adopted/ rejected by a vote of _____FOR _ _____AGAINST, and _____cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30) of the _____ members entitled to vote, cast their ballot.

ARTICLE VI. REMOVAL FROM OFFICE

SECTION 1. Misconduct or Neglect.

Any council member or other official found guilty by the council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote of a majority of members of the council. Voting must be by secret ballot and the accused, if a council member, is entitled to vote. Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against him.

SECTION 2. Recall.

Eligible voters shall have the power to remove any member of the council by recall. The process shall be initiated by giving a petition asking for such removal to the council. The petition must be signed by at least thirty-three percent of the eligible voters and must set forth the reasons for the petition. The council must hold a community election to consider the recall within thirty days of receipt of the petition, and it can be passed only by a vote of sixty-six percent or greater of ballots cast.

SECTION 3. Forfeiture.

Any council member who moves from the village, that has been convicted of a felony by state or federal court, or ceases to be a member of the village shall automatically forfeit their office. If the office of a council member is vacant for two consecutive meetings, unless excused the council may appoint a successor to serve until the next regular meeting of the community, at which time a member shall be elected to fill the un-expired term.

ARTICLE VII. POWERS

SECTION 1. General Powers.

Except as specifically limited by this Constitution, the powers of the village shall be exercised by the council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this article, which do not violate federal law. The council may authorize an officer to act in specific circumstances.

SECTION 2. Internal Procedures.

Consistent with this Constitution, the council may enact rules to govern its internal procedures and organization and to further define the duties of village officers by ordinance.

SECTION 3. Other Council Powers.

In addition to all powers vested in the Village or the Council by existing law, and this Constitution, the Village, acting through the Council, shall have the following powers.

A. To consult, negotiate, contract, or conclude agreements with Federal, State, and local governments on activities which may affect the Native Village of Pilot Point.

B. To employ legal counsel, the choice of counsel, and fixing of fees to be subject to the approval to the secretary of the Interior of his authorized representative so long as such approval is required by Federal law.

C. To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects which are for the benefit of village members of the Native Village of Pilot Point Prior to the submission of such estimates to the Office of Management and Budget and to Congress.

D. To acquire property and accept gifts.

E. To prevent the sale, disposition, lease or encumbrance of Village lands, Interest in lands, or other Village assets without the consent of the Village.

F. To protect member's rights in personal property.

G. To join and/or charter housing authorities.

H. To charter enterprises, corporations, and associations.

I. to prescribe rules and regulations governing future membership, loss of membership, and adoption of members.

J. To promote the peace, safety, health, and general welfare of the members of the Village.

K. To Administer the village's assets and manage all economic affairs and enterprises of the village.

L. To enact ordinances, and regulations consistent with this constitution for the conduct and administration of all tribal elections, the appointment of an election board and the regulation of its duties.

M. To provide for the maintenance of law and order and the administration of

justice, including the establishment of appropriate village courts or other judicial bodies.

N. To encourage and foster the arts, crafts, traditions, customs, language and culture of the village.

O. To protect and preserve the wildlife and natural resources within the area under jurisdiction of the village or upon which its members rely for subsistence.

P. To regulate child custody and adoptions pursuant to the Indian Child Welfare Act and other domestic relations among members.

Q. To authorize or direct subordinate boards, committees or officials to administer the affairs of the village and to carry out the directives of the Council.

R. To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the village.

S. To regulate inheritance among members whether by intestacy or otherwise.

T. To administer any funds within the control of the village.

U. To engage in economic development enterprises for the benefit of the Village or its members.

V. To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law.

SECTION 4. Waivers.

Nothing in this Constitution nor any action taken under it shall be deemed or construed to be a waiver of the sovereign immunity or jurisdiction or to constitute the consent of the Native Tribe of Pilot Point for the disposition of its property or other assets which may only be waived or consented to be express resolution of the Tribal Council, adopted by majority of members at a duly called Council meeting, and only to the extent specified in such resolution and permitted by the Constitution and federal law. Waiver of sovereign immunity or jurisdiction or consent shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds if any of the Tribe subject to the waiver or consent and to the court having jurisdiction and applicable law. Waiver of the sovereign immunity or consent of the Tribe shall not be deemed a general consent to the levy of any judgement, lien or attachment upon the property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver or consent resolution.

ARTICLE VIII. POWERS RESERVED TO MEMBERSHIP

SECTION 1.

The following powers are specifically reserved to the entire Village membership acting through a general membership meeting or a properly called election.

A. No lands or interest in lands owned by the village may be sold, encumbered or disposed of without the favorable vote of at least a majority of the eligible voters residing in Pilot Point.

B. To levy and collect taxes, fees and assessments for the Village's purpose, upon the majority vote of eligible voters/members.

ARTICLE IV. RIGHTS OF MEMBERS

SECTION 1.

All members of the village shall enjoy without hindrance equal rights of life, liberty and pursuit of happiness.

SECTION 2.

This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of members of the village as citizens of the State of Alaska or the United States.

SECTION 3.

Village members shall have the right to review all Council records including financial records at any reasonable time in accordance with procedures established by the Council.

SECTION 4.

The Native Village of Pilot Point in exercising its powers of self-government shall not deny to any persons the equal protection of tribal laws or deprive any person of liberty or property without due process of the law. The Village shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968.

ARTICLE X. DUTIES OF OFFICERS

SECTION 1. Newly Elected Officer.

Newly elected officers shall assume their respective office and duties immediately upon being elected and seated.

SECTION 2. President.

The President shall preside at all meetings of the Village and of the Council and shall execute on behalf of the Village all contracts, leases or other

documents approved by the Council. he/she shall vote in all cases except on the matter of his/her removal. he/she shall have general supervision of all other officers, employees, and committees of the Village and see that their duties are properly performed. When the Council is not in session, the president shall be the official representative of the village.

SECTION 3. Vice-President.

The Vice-President shall assist the President when called upon to do so. In absence of the President, the Vice-President shall be the official representative of the village and shall oversee and when so presiding shall have all the rights, privileges, duties, and responsibilities of the President.

Section 4. Secretary/Treasurer

The Secretary/Treasurer shall keep the minutes of all meeting and shall attest to the enactment of all resolutions and ordinances. The Secretary/Treasurer shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council. The Secretary/Treasurer shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council. The Secretary/Treasurer shall also carry out the financial directives of the Council, receive all local monies and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Pilot Point Traditional Council's accounts in a local bank selected by the Council where depositor's funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the Council. The Council may direct the Secretary/Treasurer to file an annual bond, satisfactory to the Council, to protect village accounts. The Secretary/Treasurer shall be available for inspection by any member of the village. At the expiration of their term of office, the Secretary/Treasurer shall turn over all records and papers in his possession to his successor or to the Council.

ARTICLE XI. MEETINGS

SECTION 1.

Regular meeting of the Council shall be held monthly, the time, place, and date to be designated by the Council. Special meetings of the council may be called by the President, at the request of two members of the Council. The council shall have the power to transact business as in regular meetings, provided that a quorum is presents.

SECTION 2.

A Quorum of the council shall consist of three (3) members of the council except as otherwise provided in this Constitution. No business shall be transacted unless a quorum is present.

SECTION 3.
All meetings of the council shall be open to the general membership of the Native Village of Pilot Point; provided, however that the council may recess at its discretion to discuss any matter in a closed or executive session if the general subject matter to be discussed is expressed in the motion calling for such closed or executive session.

SECTION 4.
All final decisions of the council on matters of general or permanent interest to members shall be embodied in ordinances. The ordinances shall be collected and made available to village members and others affected upon reasonable request.

SECTION 5.
All final decisions of the council on matters of temporary interest shall be embodied in resolutions. Resolutions shall be collected and be made available to village members and others affected upon reasonable request.

ARTICLE XII. COURTS

The judicial power of the Native Village of Pilot Point is vested in the village Council. The council may delegate its judicial power in particular cases and may by ordinance establish a permanent court or court of limited or general jurisdiction.

ARTICLE XIII. SEVERABILITY

If any provision of this constitution should be declared invalid by a Federal court or council court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIV. SAVINGS CLAUSE

SECTION 1. Existing Law Remains in Effect.
To the extent consistent with this constitution, all previous ordinances and resolutions adopted by the Traditional Council of Pilot Point and all customary village law shall remain in effect following the adoption of this constitution.

SECTION 2. Revisions.

In the event of future constitutional revisions, all previous ordinances, resolutions and customary village laws shall remain in effect to the extent that they are consistent with the new constitution or amendments.

ARTICLE XV. AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters in an election called for that purpose; provided that at least thirty percent (30%) of those eligible vote. The election may take place at the annual membership meeting.

ARTICLE XVI. ADOPTION

This constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in this constitution, at an election or meeting called for that purpose in which at least thirty percent of those eligible vote.

CERTIFICATE OF ADOPTION

We, the undersigned members of the Native Village of Pilot Point, having been selected by vote of the membership to oversee an election called for the pupose of adopting this constitution, certify that we were present at such election conducted on September 30, 1998, that this constitution was duly adopted at such election by a vote of 15 for, and 3 against, and that at least thirty percent of those eligible to vote cast their ballots.

Dated this 30th day of September, 1998, at Pilot Point, Alaska.